THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :5427 of 2007

DATED:22-03-2007

BETWEEN:

Uddagiri Venkata Rama Rao & 2 others.

..... PETITIONERS

AND

The Additional Agent to the Government,
Rampachodavaram,
East Godavari District &5 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in evicting the petitioners from their lands to an extent of Hec.2.75 cents of land in Sy.Nos.253/1 & 253/2 of Indukuru village, Devipatnam mandal, East Godavari District in pursuance of the order passed by the 2nd respondent in LTRP No.14 of 1998, dated 27-03-2002, pending disposal of the appeal/stay petition filed before the 1st respondent, as illegal and arbitrary.

3. It is stated that on a petition filed by one Eereti Lakshmi Narayanamma, w/o Sambamurthy, resident of Indukuru village, Devipatnam mandal, seeking restoration of the land to an extent of Hec.2.75 cents in Sy.No.253/2 and 258/1 of Indukuru village, Devipatnam mandal, under the occupation of the petitioners herein who are the non-tribals, the 2nd respondent-Special Deputy Collector (Tribal Welfare) Rampachodavaram, East Godavari District, passed orders in LTRP.No.14/1998, dated 27-03-2002, holding that the petitioners are in illegal possession of the said land in violation of the regulations and accordingly, ordered ejectment of the petitioners from the said land and directed to put the possession of the said land in favour of the said Narayanamma.

Aggrieved by the said order, petitioners filed an appeal before the Additional Agent to the Government-cum-Project Officer, Rampachodavaram, showing the alleged legal heirs of the said Narayanamma as respondents, without making her a party respondent. It is stated that a stay application has also been filed and pending disposal of the stay petition as well as the appeal, the official respondents are threatening to dispossess the petitioners, and in fact, the said order has been passed in 2002.

4. I am not inclined to express any opinion whether the petitioners are in possession of the said land or whether they have been ejected, but however, as the appeal is said to have been filed and pending, the petitioners are directed to implead the said
Eereti Lakshmi Narayanamma, who is the petitioner in LTRT.No.14 of 1998 before the Appellate Authority. If any such appeal is pending, *status quo* with regard to the possession obtaining as on today shall be maintained pending disposal of the appeal.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

22nd March, 2007
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